

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID ROBERT HASELTINE, *et al.*
Plaintiffs

V.

**FINANCIAL BUSINESS AND
CONSUMER SOLUTIONS, INC.**
Defendant

CIVIL ACTION

NO. 24-1876
(Lead Case)

ORDER

AND NOW, this 20th day of March 2025, upon consideration of Plaintiffs' *motion to stay deadlines in related cases*, (ECF 46), Defendant Kohls, Inc.'s response filed in *Martinez v. Kohls, Inc.*, Case No. 24-cv-5405, (ECF 19),¹ Defendant U.S. Bank National Association d/b/a Elan Financial Services's response filed in *Ulbrich v. Elan Financial Services*, Case No. 24-cv-5419, (ECF 22), Defendant Merrick Bank's response filed in *Capozzi v. Merrick Bank*, Case No. 24-cv-5420, (ECF 16), Defendant CF Medical, LLC's response filed in *Popescu v. CF Medical, LLC*, Case No. 24-cv-5443, (ECF 24), Defendant CF Medical, LLC's response filed in *Rachau v. CF Medical, LLC*, Case No. 25-cv-01257, (ECF 19), Defendant First Portfolio Ventures I, LLC's response filed in *Smith v. First Portfolio Ventures I, LLC*, Case No. 24-cv-5846, (ECF 14), Defendant First Financial Investment Fund III, LLC's response filed in *Arrington v. First Financial Investment Fund III, LLC*, Case No. 24-cv-6650, (ECF 13), and Defendant Ally Financial Inc. and Ally Bank's opposition filed in *Hamilton v. Ally Financial Inc.*, Case No. 25-cv-629, (ECF 16), it is hereby **ORDERED** that Plaintiffs' motion is **GRANTED**.²

¹ When indicated, docket entry numbers refer to the actions in which they were filed.

2 On February 27, 2025, this Court issued a Rule for the parties to address a potential consolidation issue. (ECF 44). Specifically, parties are to address whether Interim Class Counsel and Plaintiffs should pursue actions against Financial Business and Consumer Solutions, Inc. (“FBCS”) and FBCS Customers in separate actions, or whether the related cases naming FBCS Customers as party defendants should be consolidated with this action. (*Id.*). By way of the underlying motion, Plaintiffs move to stay deadlines in

Accordingly, all deadlines in this case and the related cases³ are **STAYED** until this Court rules on the potential consolidation issue outlined in this Court's Order dated February 27, 2025. (See ECF 44). The Clerk of Court is **DIRECTED** to file this Order in all related cases.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court

this action and the related cases that name FBCS Customers as party defendants until this Court has ruled on the consolidation issue. (ECF 46). Plaintiffs argue a stay of deadlines will promote "efficiency and conservation" of resources and will allow the parties to devote their time to addressing the consolidation issue. (ECF 46, at pp. 1-2).

Plaintiffs conveyed that Defendant FBCS does not oppose the motion. (ECF 46, at p. 3). Plaintiffs further conveyed that Defendant Cascade Capital Funding, LLC ("Defendant Cascade"), a defendant in *Mitchell v. Cascade Capital Funding, LLC*, Case No. 24-cv-6075, and Defendant Envision Operating Healthcare, Inc. ("Defendant Envision"), a defendant in *Pickering v. Envision Healthcare Operating Inc.*, Case No. 24-cv-5472, opposed the motion. However, Defendants Cascade and Envision have not filed responses to Plaintiffs' motion. Defendants Kohls, Inc. ("Defendant Kohls"), U.S. Bank National Association d/b/a Elan Financial Services ("Defendant "U.S. Bank"), Merrick Bank ("Defendant Merrick Bank"), CF Medical LLC ("Defendant CF Medical"), First Portfolio Ventures I, LLC ("First Portfolio"), First Financial Investment Fund III, LLC ("First Financial"), and Ally Financial Inc. and Ally Bank ("Ally Defendants"), filed responses in *Martinez v. Kohls, Inc.*, Case No. 24-cv-5405, *Ulbrich v. Elan Financial Services*, Case No. 24-cv-5419, *Capozzi v. Merrick Bank*, Case No. 24-cv-5420, *Popescu v. CF Medical, LLC*, Case No. 24-cv-5443, *Rachau v. CF Medical, LLC*, Case No. 25-cv-01257, *Smith v. First Portfolio Ventures I, LLC*, Case No. 24-cv-5864, *Arrington v. First Financial Investment Fund III, LLC*, Case No. 24-cv-6650, and *Hamilton v. Ally Financial*, Case No. 25-cv-629.

Defendants Kohls, Merrick Bank, CF Medical, First Portfolio, and First Financial, generally do not oppose the requested relief, and/or did not state their opposition to the requested relief but propose extending the stay through the settlement conference and seek clarification on whether this Court intended for the FBCS Customer Defendants to participate in the settlement conference. Defendant U.S. Bank does not take a position on the stay except to preserve its defenses. The Ally Defendants oppose the motion to stay, as they would like to file a motion to transfer the matter to the United States District Court for the Western District of North Carolina where, they argue, the matter can be "expeditiously resolved."

Having considered the arguments made, this Court agrees that a stay of deadlines would promote judicial efficiency and allow parties to focus on the consolidation issue. Accordingly, all deadlines in this action and in the related cases are stayed pending this Court's decision on the consolidation issue. Notably, only the Ally Defendants filed an opposition the requested relief. The Ally Defendants will have the opportunity to oppose consolidation, if that is its intention, and, at that time, may raise any issues related to a potential transfer. Additionally and to clarify, the related cases have not been referred for settlement at this time. (ECF 45). It is an option as well as referring the related cases for settlement or extending this stay until after the settlement conference. The parties are encouraged to address these and any other relevant matters in their briefing on the consolidation issue.

³ For purposes of this Order, related cases refers to all of the cases listed in Plaintiffs' underlying motion. (See ECF 46, at p. 2).